

Inventor: N. Iwata, et al.
U.S.S.N. 09/990,428
Response to Final Office Action
Page 8 of 12

REMARKS

Applicants appreciate the Examiner's thorough examination of the subject application and request reconsideration of the subject application based on the foregoing amendments and the following remarks. Applicants also acknowledge with appreciation the telephone interviews with the Examiner regarding the outstanding rejection(s), and proposals for advancing prosecution.

Claims 17-25 are pending in the subject application.

Claims 17 and 19 are withdrawn from consideration as the result of an Examiner's earlier restriction requirement. In view of the Examiner's earlier restriction requirement, Applicants reserves the right to present the above-identified withdrawn claims in a divisional application.

Claims 18 and 20-25 stand rejected under 35 U.S.C. §102 and/or 35 U.S.C. §103.

Claim 18 was amended to include the limitations of claim 22 and claim 22 was canceled in the foregoing amendment.

Applicants also amended claim 18 for clarity and has suggested by the Examiner. For example, the Examiner indicated that if the claim recited that a layer exhibited or had a certain property/ characteristic it also was not necessary to also include language in the claims that the composition of the layer was composed so the layer it exhibited the property/ characteristic as it was presumed that this was inherent.

The amendments to the claims are supported by the originally filed disclosure. It also is respectfully submitted that the amendment(s) to the claims do not require further search and consideration and thus, entry of these amendments is respectfully requested.

Inventor: N. Iwata, et al.
U.S.S.N. 09/990,428
Response to Final Office Action
Page 9 of 12

35 U.S.C. §102 REJECTIONS

The Examiner rejected claims 18 and 20-25 under 35 U.S.C. §102(a) as being anticipated by Aratani [WO99/39342] as evidenced by Applicants' admissions. The Office Action, however, makes specific reference to the figures and columns of USP 6,573,957, also to Aratani, because it is the US equivalent of the PCT publication. Applicants respectfully traverse.

Applicants claim, claim 18, a magneto-optical recording medium comprising at least a first magnetic layer, a second magnetic layer and a third magnetic layer, which are layered in this order and so the second magnetic layer is directly disposed on the first magnetic layer. The first magnetic layer of the medium is formed of a perpendicularly magnetized film having a relatively small wall coercivity and a relatively large wall mobility compared with the third magnetic layer in the vicinity of a predetermined temperature, where the magnetic wall coercivity at room temperature of the first magnetic layer is less than or equal to 32 kA/in.

In addition, when a light beam whose intensity is controlled to be a predetermined intensity for reproducing a signal is emitted onto the magneto-optical recording medium while the light beam being moved relatively with respect to the magneto-optical recording medium, the first magnetic layer exhibits a larger magnetic wall coercivity at a rear part of the light beam spot than a front part of the light beam spot and so as to restrict movement of a domain wall located beyond the light beam spot rear part from moving into the light beam rear spot. Further, the first magnetic layer has a compensation temperature of not higher than its Curie temperature and not lower than a Curie temperature of the second magnetic layer, and so as to restrict movement of

Inventor: N. Iwata, et al.
U.S.S.N. 09/990,428
Response to Final Office Action
Page 10 of 12

the domain wall located beyond the light beam spot rear part when the magneto-optical recording medium is heated to a vicinity of its compensation temperature with application of the light beam for reproducing a signal.

It is respectfully submitted that Aratani, even in view of Applicants' admissions, does not disclose the magneto-optical recording medium of claim 18. As was indicated previously by Applicants Aratani does not disclose a first magnetic layer exhibiting all of the properties claimed by Applicants. As indicated during the recent telephone conference with the Examiner, Aratani is silent and thus does not disclose controlling the compensation temperature of the first magnetic layer so as to be in a range that was not lower than a Curie temperature of the second magnetic layer. This is not surprising as the discussion in Aratani is confined to arranging the Curie temperatures so that the YS layer that is disposed between the DS and SW layers can inhibit the movement of the domain walls in the DS layer.

As previously indicated by Applicants, the invention in Aratani is clearly directed to and discloses a magneto-optical recording medium that includes a recording layer made up of FOUR (4) layers; a displacement layer 11, a second magnetic or YS layer 12, a SW layer 13 and a MM layer 14. In contrast the magneto-optical recording medium of claim 18 comprises at least three (3) layers. Also, and as previously indicated by Applicants, neither the DS layer nor the YS layer in Aratani correspond to the first magnetic layer of claim 18.

Applicants would note that the amendment to add the further limitation that the first magnetic layer was directly disposed on the second magnetic layer was made to advance

Inventor: N. Iwata, et al.
U.S.S.N. 09/990,428
Response to Final Office Action
Page 11 of 12

prosecution. Such amendment, however, shall not be considered as an admission that such amendment was necessary for purposes of distinguishing the claim from Aratani.

As provided in MPEP-2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Or stated another way, "The identical invention must be shown in as complete detail as is contained in the ... claims. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ 2d. 1913, 1920 (Fed. Cir. 1989). Although identify of terminology is not required, the elements must be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990). It is clear from the foregoing remarks that the above-identified claims are not anticipated by Aratani.

It is respectfully submitted that for the foregoing reasons, claims 18 and 20-25 are patentable over the cited reference and satisfy the requirements of 35 U.S.C. §102(a). As such, these claims are allowable.

35 U.S.C. §103 REJECTIONS

Claims 18, 20, 21, and 23-25 stand rejected under 35 U.S.C. §103 as being unpatentable over Fuji, et al. [USP 6,249,489, "Fuji"] in view of Aratani [WO99/39342] as evidenced by Applicants' admissions. Applicants respectfully traverse as discussed below.

In as much as claim 18 was amended to include the limitations of claim 22, Applicants believe that claim 18 is distinguishable from the cited combination of references at least for this reason. This shall not, however, be considered as a suggestion that these claims are not

Inventor: N. Iwata, et al.
U.S.S.N. 09/990,428
Response to Final Office Action
Page 12 of 12

patentable over the cited combination of references for other reasons not noted herein.

It is respectfully submitted that for the foregoing reasons, claims 18, 20, 21, and 23-25 are patentable over the cited reference(s) and satisfy the requirements of 35 U.S.C. §103. As such, these claims are allowable.

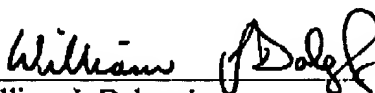
It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

Applicants believe that additional fees are not required for consideration of the within Response. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. 04-1105.

Respectfully submitted,
Edwards & Angell, LLP

Date: April 11, 2005

By:


William J. Dacey, Jr.
(Reg. No. 35,487)
P.O. Box 55874
Boston, MA 02205
(617) 439- 4444

Customer No. 21,874

Box2_486242.1